

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF GEORGIA  
3 ATLANTA DIVISION

4 IN RE: FEN-PHEN )  
5 ) DOCKET NO. 1:03-MD-1-RLV  
6 )  
7 ) ATLANTA, GEORGIA  
8 )

9 PROCEEDINGS  
10 BEFORE THE HONORABLE ROBERT L. VINING, JR., SENIOR UNITED  
11 STATES DISTRICT JUDGE.

12 APPEARANCES OF COUNSEL:

13  
14 FOR THE PLAINTIFFS: ROBERT BUCK  
15 ROBERT FINNELL

16 FOR THE DEFENDANTS: ROBERT ROSENBAUM

17  
18  
19  
20 KIMBERLY C. BRAMLETT  
21 OFFICIAL COURT REPORTER  
22 P.O. BOX 6226, 600 E. FIRST STREET  
23 ROME, GEORGIA 30162  
24  
25

UNITED STATES DISTRICT COURT

1 (ATLANTA, FULTON COUNTY, GEORGIA, AUGUST 27, 2003, IN  
2 OPEN COURT.)  
3 THE COURT: THIS MICROPHONE WORK? THAT'S UNUSUAL.  
4 LET ME MAKE ONE OR TWO OBSERVATIONS, AND I WILL HEAR  
5 WHAT ANYBODY HAS TO SAY ABOUT THESE CASES AND THE DIRECTION WE  
6 WILL GO IN.  
7 THE CLERK AND I WOULD APPRECIATE IT IF YOU DO NOT  
8 FILE ANY MORE PAPER PERIOD. I THINK THERE IS ENOUGH - TO BE  
9 HONEST WITH YOU, WE JUST DO NOT HAVE THE SPACE TO TAKE CARE OF  
10 A BIG FILING. THE ONLY EXCEPTION TO THAT IS IF THERE IS AN  
11 EMERGENCY OR NECESSITY TO FILE ANYTHING, I WOULD ONLY WANT IT  
12 FILED IN ONE CASE, WHATEVER CASE YOU WANT TO FILE IT IN IS ALL  
13 RIGHT WITH ME.  
14 THE OTHER POINT I WANT YOU TO UNDERSTAND IS I AM  
15 GOING TO - I AM GOING TO DISPOSE OF ALL OF THE MOTIONS TO  
16 REMAND THAT I CAN WITHOUT SENDING IT TO THE MULTI DISTRICT  
17 JUDGE, AND I AM GOING TO DO THAT BECAUSE IT IS LOCAL, AND I  
18 THINK IT OUGHT TO BE HANDLED HERE.  
19 SECOND IS, I HAVE READ WHAT HAS BEEN FILED AND THE  
20 HEARINGS BEFORE THE JUDGE, MULTI DISTRICT JUDGE, AND THAT JUDGE  
21 AS I READ IT, JUST DOES NOT WANT TO DEAL WITH THOSE MOTIONS, I  
22 GATHER. I SAY THAT VERY SIMPLY BY BEING ONE OF THE DISTRICT  
23 JUDGES, I KNOW HOW I WOULD FEEL ABOUT DEALING WITH CASES THAT  
24 INVOLVE SAY INDIANA LAW OR OREGON LAW OR CALIFORNIA LAW, AND  
25 I WOULD PREFER THE LOCAL PEOPLE DO IT. SO, I AM GOING TO DO ALL

1 OF THE MOTIONS TO REMAND.  
2 I WILL HANDLE THOSE MOTIONS TO REMAND THIS WAY. IT  
3 APPEARS TO ME THAT EVERYTHING HAS - THE RECORD IS COMPLETE, IT  
4 SEEMS. IF IT IS NOT, YOU CAN TELL ME IN A MINUTE. I WOULD NOT  
5 WANT ANY MORE PAPER FILED DEALING WITH THOSE MOTIONS. IF YOU  
6 WANT ORAL ARGUMENT, I WILL PROVIDE A DATE FOR THAT, AND YOU CAN  
7 HAVE ORAL ARGUMENTS.  
8 NOW, IF ANYONE WANTS TO ADD ANYTHING TO THAT, NOW IS  
9 THE TIME.  
10 MS. WALKER: YOUR HONOR, I AM CHRISNA WALKER  
11 REPRESENTING RUGBY LABORATORIES, ZENITH-GOLDLINE  
12 PHARMACEUTICALS, AND GOLDLINE LABORATORIES. I WOULD ONLY ASK  
13 THAT WE BE ALLOWED TO AT LEAST FILE ANSWERS TO THE COMPLAINT.  
14 MY THREE DEFENDANTS ARE PHENTERMINE, AND THE CASES WERE  
15 TO THIS COURT AND SEVERAL OF THE DEFENDANTS HAVE FILED ANSWERS,  
16 BUT I HAVE NOT FILED AN ANSWER BECAUSE OF YOUR HONOR'S STAY.  
17 MR. FINNELL: YOUR HONOR, BOB FINNELL FROM ROME ON  
18 BEHALF OF THE PLAINTIFFS. ON OUR BEHALF, YOUR HONOR, WE ARE  
19 WILLING TO WAIVE ANY TIME BAR SO THEY CAN FILE THEIR ANSWERS IN  
20 A TIMELY MANNER TO SAVE ON THE PAPERWORK.  
21 THE COURT: I WILL GIVE YOU AN EXTENSION TO FILE YOUR  
22 ANSWERS. SO WHAT YOU NEED TO DO IS I WILL GIVE YOU A TIME  
23 LIMIT HERE IN JUST A MINUTE. IF YOU - DO YOU ALL WANT ORAL  
24 ARGUMENT ON THE MOTION TO REMAND?  
25 MR. FINNELL: YOUR HONOR, OUR CONCERN IS A TIMELY